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## BOOK NOTICES.

**MARKETABLE TITLE TO REAL ESTATE**, being also a Treatise on the Rights and Remedies of Vendors and Purchasers of Defective Titles, including the Law of Covenants for Title, the Doctrine of Specific Performance, and other kindred subjects. By CHAPMAN W. MAUPIN, of the Washington (D. C.) Bar. New York: Baker, Voorhis & Company. 1896. Pages LXVII and 850. Price, prepaid, \$6.50.

The standpoint of the author of this treatise is marketable title to real estate as between vendor and purchaser—marketable title involving, of course, the consideration of that which is unmarketable, and this leading, according to the author's analysis, to the discussion of remedies in affirmance of the contract of sale, whether executory or executed, at law and in equity; and remedies in disaffirmance (or rescission) of the contract of sale, whether executory or executed, at law and in equity. The best way to give an idea of this important work will be to set out the titles of the thirty-five chapters into which it is divided, the first twenty-two chapters, constituting Book I., relating to Remedies in Affirmance of the Contract of Sale, and the last thirteen, constituting Book II., relating to Remedies in Disaffirmance of the Contract of Sale.

The chapters are as follows: Introductory; Action for Breach of Contract; Implied and Express Agreements as to the Title; Sufficiency of the Conveyance Tendered by the Vendor; Caveat Emptor; Covenants which the Purchaser has a Right to Demand; Abstract of Title; Waiver of Objections to Title; Tender of Performance and Demand for Deed; Measure of Damages for Inability to Convey a Good Title; Action against the Vendor for Deceit; Covenant for Seisin; Covenant against Incumbrances; Covenants of Warranty and for Quiet Enjoyment; Covenant for Further Assurance; Detention of the Purchase Money where there has been a Breach of the Covenants for Title; Specific Performance of Executory Contracts at the Suit of the Purchaser; Right of the Purchaser to take Title with Compensation for Defects; Right of the Purchaser to Perfect the Title; Specific Performance of Covenants for Title; Estoppel of the Grantor; Reformation of the Conveyance; Rescission by Act of the Parties; Right to Recover back or Detain the Purchase Money on Failure of the Title; Obligation of the Purchaser to Restore the Premises to the Vendor; Detention of the Purchase Money where there has been a Breach of the Covenant of Seisin; Detention or Restitution of the Purchase Money where the Deed contains no Covenants for Title; Restitution of the Purchase Money where there are Covenants for Title; Detention or Restitution of the Purchase Money in cases of Fraud; Suit for Rescission Proper; Doubtful Titles; Right of the Vendor to perfect the Title; Right of the Vendor to Require the Purchaser to take the Title with Compensation for Defects; Remedy by Injunction against the Collection of the Purchase Money; Fraud and Mistake.

The above is a tempting bill of fare, bringing together, as the author states in his preface, subjects dispersed through the text-books, and through the reports and digests, under the several heads of Vendor and Purchaser, Covenants for Title, Specific Performance, Equity Jurisprudence, Deeds, Titles to Real Estate, Real Property, Abstracts of Title, Judicial Sales, Subrogation, and many other minor heads of the law. His effort has been, he says, to collect the relevant matter from

these different sources in one volume, and so arrange and dispose it as to render the whole easily accessible to the profession.

We have spent a good many hours, with pleasure and profit, in a careful examination of Mr. Maupin's work, and have found it one of the few law books which tempt one "to sit up o' nights" in order to finish them. The topics discussed are of great practical importance, and the author has treated them practically and thoroughly, with copious learning, and a full citation of authorities both English and American. His analysis of his subject is admirable, and he not only lays down the law, but gives the reasons on which the doctrines rest; and where the authorities are conflicting, he has opinions of his own, and expresses them with clearness and force. We have been much interested in the notes, which often enable a reader to judge of an author's mastery of his subject better than the text itself. They are numerous and extended, and contain much valuable matter in explanation and illustration of the text. We would call attention to the notes to the chapter on "Doubtful Titles," and those to the chapter treating of the difficult topic of Mistakes.

We had marked a number of things for special comment and commendation, but want of space forbids. The treatise has been, we judge, the work of a good many years, and it is evident that it is the product solely of Mr. Maupin's hand and brain. As to its value to the profession we concur in what is said by the *American Law Review* in a favorable notice of the work: "That the treatise is confined to the consideration of one topic, and that not the broadest in the law of Real Property, makes it of greatly more value to the profession than any volume or any two volumes could be that should attempt to cover the whole or any considerable part of this law. The profession at this day does not want a legal treatise that runs all over a great legal subject, and necessarily is limited to general propositions, with a meagre smattering of decisions in support of them; especially if the general propositions are gathered from other text-books, and the cases as well, perhaps. We have had enough of such books. The book before us is not of this kind. It is written from a study of the cases, and well written, too."

Mr. Maupin (who is a Virginian) inscribes his work to Judge Burks, in language which we believe the Bar of Virginia would agree is not mere compliment, but a well deserved tribute. Alluding to this inscription the *American Law Review* says: "The author dedicates his work to the Honorable Edward C. Burks, late Judge of the Court of Appeals of the State of Virginia, whom we know as a very learned man in the law, and still an enthusiastic student of the science."

C. A. G.